

Amendments to the Drawings

The attached sheets of drawings include changes to Figs. 2B, 5, 12, 13, 18, 19, and 27. These sheets replace the original sheets including Figs. 2A, 2B, 5, 12, 13, 18, 19, and 27. These figures are amended in response to the Examiner's objection as discussed in the Remarks.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

REMARKS

At the time of the Office Action dated August 22, 2007, claims 26-28, 32, 33, 36-39, and 41-48 were pending in this application. In this Amendment, claims 26, 28, 32, 37-39, 42-45, and 48 have been amended, claims 27, 36, 46, and 47 canceled, and New claims 49-61 added. The specification and drawings have also been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendments of the claims can be found in, for example, Figs. 2A, 2B, 4, 5, 11, 20-22, 25, 26A, and 26B, and relevant description of the specification. Claims 39 and 45 have been amended to be dependent on claims 32 and 44, respectively.

Claims 26, 28, 32, 33, 37-39, and 41-45, and 48-61 are now active in this application, of which claims 26, 32 and 59 are independent.

Specification

The Examiner has requested Applicants to review the specification for minor errors. Applicants invite the Examiner's attention to the Substitute Specification submitted concurrently with this Amendment. It is noted that the previously-made changes are maintained in the marked-up version of the Substitute Specification. Crossed-out and underlined phrases in the marked-up version of the Substitute Specification indicate that they were previously added, but deleted.

The Examiner noted, "all the amendments made in the marked-up copy of the specification still did not comply with 37 CFR 1.121, e.g., the new title was not shown underlined" (paragraph 3 of the Office Action). The title is now underlined in the marked-up version of the Substitute Specification.

Drawings

Objection has been made to the drawings. Applicants have amended the drawings in response to the Examiner's comments as set forth below:

Comment 1: "no numerals separated by commas as seen in Figures 12 and 13" (page 3, lines 6-7 of the Office Action)

The following changes are made to the drawings:

Fig. 12, "B11, B22" is changed to --B22 (B11)--. B11 designates extension of standing portion B1 while B22 designates extension of the contacting portion. In Fig. 12, extension B22 is folded back and inverted so as to be fixed on extension B11.

Fig. 13, "B11, B22" is changed to --B22 (B11)--.

Fig. 18, "B11, B22" is changed to --B22 (B11)--.

Fig. 19, "B11, B22" is changed to --B22 (B11)--.

Comment 2: "The descriptions of the Figures in paragraph 60-87 and the Figures should be consistent, e.g. the views in Figure 26A and B and the description thereof in paragraph 85 are inconsistent" (page 3, lines 7-9 of the Office Action).

Paragraph [63] of the specification is amended to --Fig. 4 is a view similar to Fig. 2 showing the disposable diaper second embodiment--, and paragraph [85] is amended to --Figs. 26A and 26B are sectional views taken on line XII-XII and line XI-XI of Fig. 25--.

Comments 3: "In Figure 1, what is the structure at the end of the line from numeral 3?" (page 3, lines 9 and 10 of the Office Action).

Paragraph [115] of the specification describes, “[t]he absorbent core 3 is manufactured from e.g. flocculent pulp....” The structure at the end of the line from numeral 3 is the material of the absorbent core, for example, flocculent pulp.

Comment 4: “outlines of structure underlying other structure and lines from numerals denoting such structures should be dashed e.g. the line from 101 in Figure 12 and 100 in Figure 18 should be dashed” (page 3, lines 10-12 of the Office Action).

First, numeral 100 in Fig. 18 is changed to --101--. Second, the lines identified by the Examiner are changed to the dashed lines. Numeral 101 designates an after-treatment tape provided on the back surface of the overall sheet Y.

Comment 5: “Structure which is the same in various should be shown consistently, e.g. see the fixing /adhesive shown by asterisks ... which does not show such” (page 3, lines 12-14 of the Office Action).

Asterisks are added to Fig. 2B in the same manner as Fig 2A.

Comment 6: “The Figures should be consistent with the textual description, e.g. see the description in paragraph 109, i.e. the embodiment of Figure 4 ... yet a member 5C is shown in Figures 1-3” (page 3, lines 14-17 of the Office Action).

In response, paragraph [109] of the specification has been amended.

Comment 7: “compare the textual description of the sheet 4 in paragraph 118, first sentence with the sheet 4 in Figures 6A and B.” (page 3, lines 18-19 of the Office Action).

Paragraphs [118] and [119] of the specification have been amended.

Comment 8: “where is ZW in Figure 27 as described in paragraph 174?” (page 3, lines 19-20 of the Office Action)

Fig. 27 has been amended to show reference “ZW.”

Based on the above, Applicants respectfully solicit withdrawal of the objection to the drawings.

Description

The description has been objected to because of informalities. Applicants have amended the specification in response to the Examiner's comments as set forth below:

Paragraph 7 of the Office Action:

"[S]ome unclear, inexact or verbose terms used in the specification are paragraph 2-4" (page 4, lines 8 and 9).

In response, paragraphs [02]-[04] have been amended.

Paragraph 8 of the Office Action

Comment 1: "where is the invention of paragraphs 11-59 commensurately claimed in the claims?" (page 4, lines 13 and 14).

Applicants understand that the summary of invention section should be consistent with the subject matter of the claims (see MPEP 608.01(d)). However, as there has been no indication of allowable claims in the present application and the claimed subject matter may have to be changed in response to the Examiner's future response, correction of the summary of invention section is not ripe at this time. Applicants respectfully request that the Examiner hold this objection in abeyance until allowable subject matter is obtained (see MPEP 1302.01).

Comment 2: "The description of Figures and the Figures should be consistent, e.g., see discussion in paragraph 6 supra."

Applicants addressed this issue in response to the objection to the drawings.

Comment 3: “where is Figure 6 as described in paragraph 115?” (page 4, lines 15 and 16).

Paragraph [115] of the specification has been amended.

Comment 4: “in paragraphs 138 and 139, the overall sheet, each occurrence, should only be described as ‘Y’, i.e. not ‘X’ also” (page 4, lines 17 and 18).

Paragraphs [138] and [139] of the specification have been amended.

Comment 5: “in paragraph 145, line 1, what should ‘4’ be?” (page 4, lines 18 and 19).

Paragraph [145] has been amended to replace “Fig. 4” with --Fig. 13--.

Based on the above, Applicants respectfully solicit withdrawal of the objection to the description.

Claim Objections

Objection has been made to the claims because of informalities. Applicants address the Examiner’s comments as follows:

Comment 1: “In claim 26, on lines 7 and 23-24, ‘stands’ should be --extends--. These remarks also apply to similar language in claims 27, 32, 36, 39 and 45” (page 5, lines 4-6 of the Office Action).

The claims have been amended in the manner suggested by the Examiner.

Comment 2: “In claim 26, line 11, ‘contact’ should be --contacting--” (page 5, line 6 of the Office Action)

Claim 26 has been amended as suggested by the Examiner.

Comment 3: “In claim 32, line 18-19 and 26, first occurrence, and line 21, first and last occurrences, ‘the’ should be --a-- or --and--, as appropriate” (page 5, lines 6-8 of the Office Action)

Claim 32 has been amended to address the issues identified by the Examiner.

Comment 4: “in claim 36, line 8 appears to missing a word or words” (page 5, line 8)

Claim 36 has been cancelled.

Comment 5: “On line 6 of claim 36, ‘one or more’ should be --at least one--”(page 5, lines 8 and 9).

Claim 36 has been cancelled.

Comment 6: “on line 2 of claim 47, after ‘wherein’, --the-- should be inserted. In claim 42, line 7, ‘the stretching stress’ should be --a stretching stress--” (page 5, lines 9-11 of the Office Action).

The claims have been amended.

Comment 7: “In claim 44, line 3 is now redundant, see amendments to claim 39” (page 5, line 11 of the Office Action).

Claims 39 and 44 have been amended.

Comment 8: “In claim 48, line 2 appears to be missing a word or words and ‘absorbed core’ should be --the absorbent core--” (page 5, lines 11-13 of the Office Action)

Claim 48 has been amended to recite --[t]he disposable absorbent article as defined in Claim 26, wherein said folding portion is located outside of an area located over said absorbent absorbed structure core--.

Based on the above, Applicants respectfully solicit withdrawal of the objection to the claims.

Claims 26-28, 32, 33, 36-38, 47, and 48 have been rejected under 35 U.S.C. §112, second paragraph.

The Examiner asserted that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicants address the issues raised by the Examiner as follows:

Comment 1: “In regard to claim 26, lines 10-11, the description of the folding portion on lines 10-11, i.e. ‘between the standing portion and the contacting portion’, is inconsistent with that on line 12, i.e. ‘at which the contact portion is folded’ (emphasis added).” (page 6, lines 1-3 of the Office Action).

Claim 26 has been amended in consideration of the Examiner’s comment.

Comment 2: “The description on lines 15-21 [of claim 26] of the stretching members both as to number and location is unclear/inconsistent, i.e. how many members are there at a minimum? ... This also applied to similar language in claim 27.” (page 6 lines 3-15 of the Office Action).

Claim 26 has been amended, and claim 27 has been canceled. In claim 26, stretching members are arranged in the following manner.

- a. In the contacting portion, two or more the stretching members are arranged in the vicinity of a distal end of the contacting portion so as to be spaced from each other;
- b. In the standing portion, at least one the stretching member is in the vicinity of a proximal end of the base portion; and
- c. In the folding portion, at least one the stretching member is arranged in the vicinity of the folding portion.

Comment 3: “In claim 32, a positive structural antecedent basis for ‘said stretching member’ on lines 14 and 16, i.e. one member, should be set forth. It should be noted that on line 9 of claim 32 it is not claimed that only one member is arranged in each vicinity.” (page 6, lines 15-18 of the Office Action).

The recitation “said stretching members being arranged in the vicinity of a distal end of said free portion and in the vicinity of said base line” has been amended as follows:

two or more stretching members, which apply stretching force to said free portion so that said free portion stands with a direction toward a wearer when the wearer wears said article, are arranged in the vicinity of a distal end of said free portion so as to be spaced from each other and are arranged in the vicinity of a proximal end of said base portion so as to be spaced from each other....

Comment 4: “In Claim 36, a positive structural antecedent basis for ‘the standing cuffs’ (emphasis added) should be set forth. It should be noted that the claim requires only a minimum of one cuff on line 3-5.” (page 6, lines 18-20 of the Office Action).

Claim 36 has been canceled.

Claim Language Interpretation

In paragraph 11, the Examiner asserted, “both claims 26-27 will be interpreted to include a folding portion between the standing and contacting portions.” Applicants note that claim 26 has been amended to clarify the claimed subject matter.

The Examiner further asserted, “at least two stretching members in spaced arrangement on the contacting portion between the folding portion and the distal edge, at least two further stretching members ... standing portion or folding portion, ‘in the vicinity of’ of the folding portion.”

Applicants explain the stretching members as follows:

- a. In the contacting portion, two or more the stretching members are arranged in the vicinity of a distal end of the contacting portion so as to be spaced from each other.
- b. In the standing portion, at least one the stretching member is in the vicinity of a proximal end of the base portion.
- c. In the folding portion, at least one the stretching member is arranged in the vicinity of the folding portion.

Claims 26-28, 37, 38, and 48 have been rejected under 35 U.S.C. §102(b) as being anticipated by Roe et al.

In the statement of the rejection of the claims, the Examiner asserted that Roe et al. discloses an absorbent article having integral barrier cuffs, identically corresponding to what is claimed. It is noted that the rejection of claim 27 has been rendered moot by the cancellation of the claim.

Applicants submit that Roe et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 26. Specifically, the reference does not disclose, among other things, the following limitations:

two or more said stretching members are arranged in the vicinity of a distal end of said contacting portion so as to be spaced from each other,

at least one said stretching member is arranged in the vicinity of a proximal end of said base portion,

at least one said stretching member is arranged in the vicinity of said folding portion,

In the Office Action, the Examiner asserted, "each dashed line represents an elastic member, or, in other words 76 and 77 in Figure 1 each represent two elastic members and the

description of members 77 associated with the distal edge, i.e. 'at least one', e.g. three" (the paragraph bridging pages 8 and 9 of the Office Action).

However, Figs. 2 and 3 (the cross sectional views of Fig. 1) simply show single elastic member 77, which constitutes spacing means 76. In addition, elastic member 77 has a certain width which is depicted by the two dashed lines. Accordingly, each dashed line represents the side edge of stretching member 77, and does not show an elastic member.

Based on the foregoing, Applicants submit that Roe et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 26. Dependent claims 28, 37, 38, and 48 are also patentably distinguishable over Roe et al. at least because these claims include all the limitations recited in independent claim 26. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claims 36, 39, 41, and 43-47 have been rejected under 35 U.S.C. §102(e) as being anticipated by St. Louis et al.

The Examiner asserted that St. Louis et al. describes an absorbent article identically corresponding to what is claimed. It is noted that the rejection of claims 36, 46, and 47 has been rendered moot by the cancellation of the claims. The rejection of claims 39, 41, and 43-45 has also been rendered moot by the amendment of claim 36 to be dependent on claim 32 and the amendment of claim 45 to be dependent on claim 44. Claims 41, 43, and 44 depend on claim 39. Withdrawal of the rejection of the claims is, therefore, respectfully solicited.

Claims 32, 33, and 42 have been rejected under 35 U.S.C. §102(e) as anticipated by, or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over by St. Louis et al.

The Examiner asserted that St. Louis et al. describes an absorbent article identically corresponding to what is claimed.

Applicants submit that St. Louis et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 32. Specifically, St. Louis et al. does not disclose, among other things, “between said absorbent structure and said liquid impervious sheet, stretching members for lifting are arranged in a longitudinal direction of said disposable absorbent article at its opposite sides while each of said stretching members for lifting is located at a longitudinal centerline-side with respect to the base portion of said free portion,” as recited in claim 32.

Referring to the rejection of claim 36 (see the paragraph bridging pages 10 and 11 of the Office Action), Applicants presume that the Examiner may identify elastic member 110 shown in Figs. 1 and 3 of St. Louis et al. as the claimed stretching members for lifting. Applicants emphasize that elastic member 110 of St. Louis et al. “are sandwiched between the pocket barrier layer 106 and the pocket fabric layer 108” (column 4, lines 9-14), and are not arranged under retention portion 48 (see Fig. 3). Accordingly, elastic member 110 cannot deform retention portion 48.

In contrast, the claimed stretching member for lifting is arranged between the absorbent structure and the back sheet (see, e.g., Fig. 20 of the present application). This member can lift the both sides of the article toward a wearer. In addition, since each of the stretching members for lifting is not superposed on the narrow portion of the absorbent core, the stretching member can provide an effect for standing the standing cuffs toward the wearer.

Based on the foregoing, Applicants submit that St. Louis et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 32. Dependent claims 33, 39, and 41-45 are also patentably distinguishable over St. Louis et al. at least because these claims respectively include all the limitations recited in independent claim 32. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims, and favorable consideration thereof.

New Claims 59-61

Applicants believe that new claims are patentably distinguishable over the cited prior art at least because new claims 49-55 include all the limitations recited in independent claim 26, and new claims 56-58 include all the limitations recited in independent claim 32. At least the discussion made in response to the rejection of claim 32 is applicable to new claims 59-61. Favorable consideration of the new claims is respectfully solicited.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

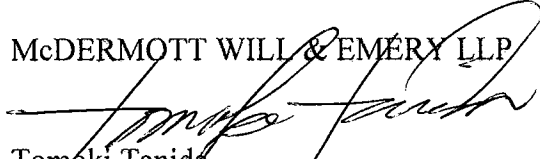
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

Application No.: 10/030,249

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Tomoki Tanida
Registration No. 60,453

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT
Facsimile: 202.756.8087
Date: July 18, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**